

Remarks

This amendment is responsive to the Office Action of dated May 30, 2008. Claims 1-4 remain for consideration.

Entry of the enclosed amendment is requested in order to comply with the Examiner's correct assertion that "said source" does not drive the turbine, and to add claim 11 which is exactly the same as amended claim 1, except that "directly" has been added to emphasize that fact. Claims 2 and 3 (cathode) no longer relate to claim 1 (anode).

Applicants thank the Examiner for a useful telephone interview on May 27, 2008. The Examiner's summary of the interview mailed May 30, 2008 is entirely correct. While it is tempting to simply prove that "the fuel-enriched gas disclosed in [0020] of Keefer does not function as the anode inlet gas...", it is important to consider the rejection as a whole.

The Keefer reference is in a sense "breviated", being repetitious, inconsistent in use of words, such as alternating between "fuel-depleted gas stream" and "the heavy product stream", and is very broad in its allegations except when connecting the parts with reference to the figures. For this reason, it was very difficult to comprehend the meaning inputed to [0020] by the Examiner, both reading a prior Office Action and during the interview. It is quite possible that the reference was also difficult for the Examiner.

The enclosed Second Declaration of Paul R. Margiott ("Declaration" hereinafter) is made under the penalties of perjury and relies only on a document of the United States Government, the Keefer publication itself. Therefore, the Declaration establishes *prima facie* facts which until proven wrong, should be given great deference.

Claims 1-4 are rejected as obvious over Keefer. As understood, the only thing that prevents it from being an anticipation rejection is stated in the middle of page 3, to wit, that Keefer does not contain a proton exchange membrane fuel cell. However, it will be shown that there are many more differences than that, but the thrust of the argument does not get into the type of fuel cell.

Claim 1 requires "said hydrogen-rich fuel gas being applied to said fuel reactant flow fields...a turbine of which is driven by said hydrogen-rich fuel gas". That means the hydrogen-rich fuel gas that drives the turbine has to be the hydrogen-rich fuel gas that is applied to the flow fields.

Paragraph 4 of the Declaration establishes as *prima facie* fact that [0020] of Keefer refers to recirculating to a turbine system, rather than to driving a gas turbine. As stated in paragraph 9 of the Declaration, Keefer does not disclose use of "fuel-enhanced gas" to recapture energy in a turbine system. To determine what the awkward writing style of

Keefer is referring to, the manner of use of the "fuel depleted gas stream" is traced in paragraphs 5-7 of the Declaration. Therein, it is clear that Keefer teaches using the fuel-depleted, heavy product gas as fuel in combustor 206 to reheat the anode gas between turbine 240 and turbine 242. Or, in the embodiments of Figs. 11 and 12, the fuel depleted heavy product gas is combusted with cathode exhaust to heat an engine.

Paragraph 8 of the Declaration states that each of the disclosures in paragraphs 5-7 fully satisfies the phrase quoted from [0020]. Nowhere is the phrase in [0020] clarified or exemplified for the "fuel-enhanced gas", as stated in paragraph 9 of the Declaration.

The Examiner has equated "fuel-enriched gas stream" with "anode inlet gas" and has equated "fuel-depleted gas stream" with "anode exhaust gas". However, that is a misconception because, as pointed out in paragraph 10 of the Declaration, Keefer is referring to a pressure swing absorption unit, and not a fuel cell.

Paragraphs 12-14 of the Declaration clearly establish as *prima facie* fact that the gas stream entering the anodes is not the fuel-enriched gas stream on conduit 275.

The rejection is not based upon the full disclosure of Keefer, which clearly shows turbines being driven only by anode exhaust. The contention of the rejection is: the naked statement in [0020], that "fuel-enriched gas" may be recirculated to a turbine system, teaches driving a turbine with anode inlet gas. It does not. **"THE REFERENCE MUST BE CONSIDERED IN ITS ENTIRETY, INCLUDING DISCLOSURES THAT TEACH AWAY FROM THE CLAIMS."** MPEP 2141.03 VI. The only gas driving a turbine in Keefer is anode exhaust gas!

Pages 2 and 3 of the Office Action do not reach the issue. Pages 2 and 3 of the Office Action do not even discuss the claims and do not discuss the reference in a manner related to the claims.

On page 4 of the Office Action, the Examiner erroneously uses the phrase "drive a gas turbine system" and wrongly attributes fuel-enriched gas to anode inlet gas, and fuel-depleted gas to anode exhaust gas, without any factual basis for doing so.

Reconsideration and allowance of claims 1, 4 and 11 over Keefer is respectfully requested.

To save the Examiner considerable time when this case is taken up, a short phone call is recommended should any issue herein still be unresolved. A few minutes on the phone could clarify a point, or result in a supplemental response which would further limit

or dispose of issues. A five minute phone call can save the Examiner a lot of work. Such a phone call would be deeply appreciated.

Respectfully submitted,



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